



Atty. Dkt. No. 065691-0352

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Dale R. BURNS et al.  
Title: CYTOPLASMIC MALE STERILITY SYSTEM PRODUCING  
CANOLA HYBRIDS  
Prior Appl. No.: 09/850,582  
Prior Appl. Filing Date: 05/07/2001  
Application No.: Unassigned  
Application Filing Date: March 12, 2004  
Examiner: Unassigned  
Art Unit: Unassigned



**CONTINUING PATENT APPLICATION**  
**TRANSMITTAL LETTER**

Mail Stop PATENT APPLICATION  
Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Transmitted herewith for filing under 37 C.F.R. § 1.53(b) is a:

☒ Continuation    ☐ Division    ☐ Continuation-In-Part (CIP)

application of the above-identified prior nonprovisional application of:

Dale R. BURNS  
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Mark A. FORHAN  
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Steve BARNES  
Petit-Halley, BELGIUM

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Winnipeg, CANADA

in which no payment of issue fee, abandonment, or termination of proceedings has occurred. Priority to the above-identified prior application is hereby claimed under 35 U.S.C. § 120 for this continuing application. This application also claims, under 35 U.S.C. § 120, the priority benefit of U.S. patent application No. 09/406,037, filed September 27, 1999 (U.S. Pat. 6,229,072), U.S. patent application No. 08/675,156, filed July 3, 1996 (U.S. Pat. 5,973,233). Benefit of foreign priority also is claimed under 35 U.S.C. § 119 on U.K. application No. 9513881.4, filed July 7, 1995. The entire disclosures of the above-identified prior applications are considered as being part of the disclosure of the accompanying continuing application and are hereby incorporated by reference therein..

Enclosed are:

- ☒ Specification, Claim(s), and Abstract (30 pages).
- ☒ Informal drawings (1 sheets, Figures 1-1).
- ☒ Copy of executed Declaration and Power of Attorney from parent Application No. 09/850,582 (5 pages).
- ☒ Copy of Recorded Assignment of the invention to INSTITUT NATIONAL DE LA RECHERCHE AGRONOMIQUE for parent application No. 09/850,582 (6 pages).
- ☒ Copy of executed Power of Attorney or Authorization of Agent by Assignee for parent application No. 09/850,582, including transmittal cover sheet and Filing Receipt Post Card (5 pages).
- ☒ Application Data Sheet (37 CFR 1.76) (5 pages).
- ☒ Return Stamped Self-Addressed Post Card (1).

The filing fee is calculated below:

	Claims as Filed	Included in Basic Fee	Extra Claims	Rate	Fee Totals
Basic Fee				\$770.00	\$770.00
Total	1	- 20	= 0	x \$18.00	= \$0.00
Claims:					
Independents:	1	- 3	= 0	x \$86.00	= \$0.00
If any Multiple Dependent Claim(s) present:			+ \$290.00	=	\$0.00
			SUBTOTAL:	=	\$770.00
<input type="checkbox"/> Small Entity Fees Apply (subtract ½ of above):			=		\$0.00
			TOTAL FILING FEE:	=	\$770.00

[ X ] The required filing fees are not enclosed but will be submitted in response to the Notice to File Missing Parts of Application.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date March 12, 2004

By Stephen B. Maebius

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Stephen B. Maebius

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Registration No. 35,264

FOLEY & LARDNER LLP

Atty. Dkt. No. 065691-0329

Commissioner for Patents:

Please acknowledge receipt of the above-identified documents by applying the U.S. Patent and Trademark Office receipt stamp hereto.

**Applicant:** Dale R. BURNS et al.

**Title:** CYTOPLASMIC MALE STERILITY SYSTEM PRODUCING CANOLA HYBRIDS

**Appl. No.:** 09/850,582

**Art Unit:** 1638

**Examiner:** Anne R. Kubelik

**Filing** 05/07/2001

**Date:**

**INCLUDES:**

1. Transmittal Cover Sheet (2 pages).
2. Executed Power of Attorney or Authorization of Agent by Assignee (2 pages).

Date Due: NA

Return To: SBM/BGM/mjl

Date Filed: March 11, 2004

Insp. By: \_\_\_\_\_

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*IN THE UNITED STATES PATENT AND TRADEMARK OFFICE*

Applicant: Dale R. BURNS et al.  
Title: CYTOPLASMIC MALE STERILITY SYSTEM PRODUCING  
CANOLA HYBRIDS  
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Examiner: Anne R. Kubelik  
Art Unit: 1638

**TRANSMITTAL COVER SHEET**

Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Transmitted herewith is an amendment in the above-identified application.

- [ X ] Executed Power of Attorney or Authorization of Agent by Assignee (2 pages).
- [ X ] The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date March 11, 2004

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